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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,128	10/09/2001	John F. Pavley	1509C/P161	5677
29141	7590	04/06/2005	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			SAX, STEVEN PAUL	
		ART UNIT	PAPER NUMBER	
		2174		

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/973,128	PAVLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven P Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 November 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. This application has been examined.
2. The amendment filed 11/5/04 has been entered.
3. The terminal disclaimer filed 11/5/04 has been entered. Accordingly, the double patenting rejection has been removed.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
5. Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (6072479) in view of Scott et al (5675752) and Foster (6211870).
6. Regarding claim 3, see Ogawa: Note the method for editing heterogeneous media objects in the digital imaging device - the representation of each is displayed on the screen (Abstract, Figures 2, 7, 12 , see also Figure 5 for example, column 8 lines 1-

50), enabling a user to randomly select a particular media object to edit (column 2 lines 40-68, column 3 lines 20-68). User input may be by mouse or key strokes, and specialized editing screens are invoked for each media type, and each editing screen operates in a similar fashion and has discrete cursor locations (column 4 lines 29-68, column 5 lines 15-60). Although Ogawa does show the distinguishing of the media types, the specific details of the specialized screens for the different types are limited. But the distinguishing is done for efficient and easy to use media editing. Furthermore, see Scott et al: the Abstract, Figures 2, 3, 6, 11A-B, 15A, 22B, 22C, 23E, 25, 26, 28, column 4 lines 1-24, column 8 lines 15-68, column 9 lines 1-20 (note specialized display screens that nevertheless operate in a similar and linked fashion), column 10 lines 12-40, column 11 lines 25-50, column 13 lines 1-27, column 15 lines 44-62, column 16 lines 35-49, column 19 lines 47-68, column 20 lines 41-68. Note the specific details of distinguishing the specialized screens for different editing features and object types in a media editing system. It would have been obvious to a person with ordinary skill in the art to incorporate this detailed specialized screen feature in the media editing system of Ogawa, because it would provide convenient and easy to use media editing in a media editing system that edits and differentiates between different media types using various screens. Neither Ogawa nor Scott et al specifically show how the device is handheld, but do show convenient user manipulation of the screens. Furthermore, Foster shows a handheld device for convenient user manipulation of the screens (Figures 9-10, column 4 lines 25-53). It would have been obvious to a person with ordinary skill in the art to

have this in Ogawa, especially as modified by Scott et al, because it would allow convenient user manipulation of the screens.

7. Regarding claim 2, the media types include still image, sequential, and text (as brought out in the combination with Scott et al in paragraph 6, see again Figures 2, 3, 6, 11A-B, 15A, 16, 22C).
8. Regarding claim 4, each editing screen operates in a similar fashion and has discrete cursor locations which the user navigates using navigation control (Ogawa column 4 lines 29-68, column 5 lines 15-60).
9. Regarding claim 5, real time preview may be applied (Ogawa column 9 lines 33-68, column 10 lines 29-45).
10. Regarding claim 6, thumbnail icons are displayed representing the media objects (Ogawa Figure 7 for example and column 11 lines 5-15).
11. Claims 7-11 show the same features as claims 3, 2, 4-6 respectively, and are rejected for the same reasons.
12. Regarding claim 12, note the slide show (Ogawa Figure 11, column 12 lines 25-55).

13. Claims 13-15 show the same features as claims 7, 9, and 8, with the slide show feature added, and are rejected for the same reasons as those claims respectively, plus for each claim noting the slide show in Ogawa (Figure 11, column 12 lines 25-55).

14. Applicants' arguments filed have been fully considered but they are not persuasive. Applicants' perspective on the background of the invention is noted. Also, applicants describe the invention in view of the editing screens and remarks that Ogawa do not specify the specialized screens. But this is brought out in Scott et al, as mentioned in the Office Action. Applicants acknowledge this statement in the Office Action and respond by describing a possible combination of Ogawa and Scott et al. Nevertheless, the combination also yields the features cited in the Office Action, which in combination with the Foster reference shows the features of the claims. The technology to implement the remote control unit of Foster can be used to invoke specialized screens, and the motivation to do this in the invention characterized by the combination of Ogawa and Scott et al is for the convenience of manipulating the screens. Even though the screen is smaller, specialized screens may still be invoked and displayed. Applicants are invited to contact Examiner to discuss claim interpretation.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

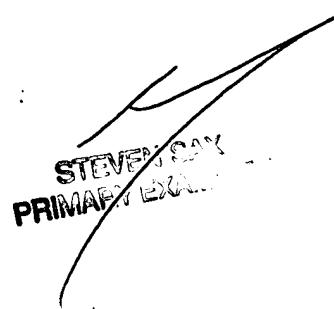
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN S. GASKINS  
PRIMARY EXAMINER

A handwritten signature of "STEVEN S. GASKINS" is written over a large, hand-drawn "X". Below the signature, the words "PRIMARY EXAMINER" are printed in capital letters.